

004002-003111.TNT.250982 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR § 1.53(b))</i>		Attorney Docket No. 4002-3111/PC817.00
		First Inv ntor Hai H. Tri u
		Title METHOD AND APPARATUS FOR DELIVERING AN INTERVERTEBRAL DISC IMPLANT
		Express Mail Label No. EL984269363 US

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents</i>		Commissioner for Patents Mail Stop Patent Application P.O. Box 1450, Alexandria, VA 22313-1450
---	--	--

1. <input checked="" type="checkbox"/> *Fee Transmittal Form (e.g., PTO/SB/17) <i>(submit an original and a duplicate for fee processing)</i>	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status.	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
3. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i>	a. <input type="checkbox"/> Computer Readable Form (CRF)
- Descriptive title of the Invention	b. <input type="checkbox"/> Specification Sequence Listing on:
- Cross References to Related Applications	<input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	<input type="checkbox"/> paper
- Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix	c. <input type="checkbox"/> Statements verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings <i>(if filed)</i>	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 23] <input type="checkbox"/> Informal <input checked="" type="checkbox"/> Formal	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. Oath or Declaration [Total Pages 4]	10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney
a. <input checked="" type="checkbox"/> Newly executed (original or copy)	11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>
b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).	13. <input type="checkbox"/> Preliminary Amendment
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. <input type="checkbox"/> Other: _____	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner: _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label <i>(Insert Customer No)</i>	or <input checked="" type="checkbox"/> Correspondence address below			
Name Woodard, Emhardt, Moriarty, McNett & Henry LLP				
Address Bank One Center/Tower 111 Monument Circle, Suite 3700				
City Indianapolis	State IN	Zip Code 46204-5137		
Country USA	Telephone (317) 634-3456	Fax (317) 637-7561		
Name (Print/Type) Timothy N. Thomas	Registration No. (Attorney/Agent) 35,714			Date
Signature 				November 20, 2003

Expr ss Mail Lab I Numb r EL 984269363 US Date of D po it Novemb r 20, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing paper or fee

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

15750
112003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2003 <small>Effective 01/01/2003. Patent fees are subject to annual revision.</small>					Compliance if Known																																																																																																																																																																																																							
					Application Number																																																																																																																																																																																																							
					Filing Date																																																																																																																																																																																																							
					First Named Inventor		Hai H. Trieu																																																																																																																																																																																																					
					Group Art Unit																																																																																																																																																																																																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					Examiner Name																																																																																																																																																																																																							
Total Amount of Payment (\$1666.00)					Attorney Docket Number		4002-3111/PC817.00																																																																																																																																																																																																					
METHOD OF PAYMENT					FEE CALCULATION (continued)																																																																																																																																																																																																							
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other None					3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner's Action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner's Action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40.00</td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="5">Other Fee (specify)</td> <td colspan="4"></td> </tr> <tr> <td colspan="5">SUBTOTAL (2) (\$ 856.00)</td> <td colspan="4">SUBTOTAL (3) (\$ 40.00)</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00	1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other Fee (specify)									SUBTOTAL (2) (\$ 856.00)					SUBTOTAL (3) (\$ 40.00)			
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																							
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																									
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																																								
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																								
1053	130	1053	130	Non-English specification																																																																																																																																																																																																								
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																								
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action																																																																																																																																																																																																								
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action																																																																																																																																																																																																								
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																								
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																																								
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																																								
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																																								
1255	2,010	2255	1,005	Extension for reply within fifth month																																																																																																																																																																																																								
1401	330	2401	165	Notice of Appeal																																																																																																																																																																																																								
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																																								
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																																								
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																								
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																								
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																																								
1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																																								
1502	480	2502	240	Design issue fee																																																																																																																																																																																																								
1503	640	2503	320	Plant issue fee																																																																																																																																																																																																								
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																								
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																																																																								
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																								
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00																																																																																																																																																																																																							
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																								
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																								
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																																								
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																								
Other Fee (specify)																																																																																																																																																																																																												
SUBTOTAL (2) (\$ 856.00)					SUBTOTAL (3) (\$ 40.00)																																																																																																																																																																																																							
*or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																												

SUBMITTED BY		Complete (if applicable)				
Name (Print/Type)	Timothy N. Thomas		Registration No. (Attorney/Agent)	35,714	Telephone	(317) 634-3456
Signature	<i>Timothy N. Thomas</i>		Date	November 20, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.